

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, : REPLY AFFIRMATION  
-against- : IND. NO. 19-CR-386 (PKC)  
MUSTAFA GOKLU, :  
Defendant. :  
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MURRAY E. SINGER, an attorney duly admitted to practice law in the Eastern District of New York, affirms under penalty of perjury as follows:

1. I, along with Emilee Sahli, am the attorney of record for the defendant, Mustafa Goklu.

As such I am fully familiar with the facts of this case.

2. This Reply Affirmation is made in response to the prosecution's response, dated December 5, 2022, opposing defendant's Motion for a Judgment of Acquittal pursuant to F.R.C.P. Rule 29.

3. The prosecution disagrees with the definition of a "money transmitting business" provided by the Second Circuit, and adopted by two other Circuits. They dismiss the Second Circuit's decision as lacking "statutory authority" or "precedential weight". What they fail to provide is any appellate authority to support the expansive definition of "money transmitting business" they are asking this Court to adopt. Because there is none. Instead, the prosecution states that "courts" (plural) have rejected the defendant's position, and then cite to but a single District Court case from the Eastern District of Michigan that was never considered on appeal.

4. Nor does the prosecution point to a single transaction by Mr. Goklu where he accepted currency for *transfer*. As stated in our motion, Mr. Goklu's receipt of bitcoin cannot both be *for transfer* and constitute the transfer itself. To merge the two, we submit, would be contrary both to the law as discussed in our motion, and to a natural understanding of the language.

5. Defendant now seeks a Judgment of Acquittal as to count two pursuant to Rule 29 of the Federal Rules of Criminal Procedure for the reasons set forth above and in our motion dated November 10, 2022.

Dated: Port Washington, New York  
December 12, 2022

/s/  
MURRAY E. SINGER